



U.S. Department of Justice

United States Attorney  
Eastern District of New York

JJD:RAT  
F. #2015R00098

610 Federal Plaza  
Central Islip, New York 11722

March 3, 2015

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 06 2015 ★

LONG ISLAND OFFICE

By Hand

Clerk of the Court  
(for forwarding to randomly assigned United States District Judge)  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

The Honorable Joseph F. Bianco  
United States District Court  
Eastern District of New York  
1040 Federal Plaza  
Central Islip, New York 11722

Re: United States v. Sergio Cerna

CR-15-87 JFB

Dear Clerk of Court and Judge Bianco:

Pursuant to Local Rule 50.3.2, the government hereby notifies the Court that the above-captioned case is presumptively related to United States v. Alvarenga, et al., No. 12 CR 063 (S-4)(JFB) ("Alvarenga").

Local Rule 50.3.2(b)(1) provides for a "presumption that one case is 'related' to another when the facts of each arise out of the same charged criminal scheme(s), transaction(s), or event(s), even if different defendants are involved in each case." Local Rule 50.3.2(c)(1) directs the United States Attorney's Office to "give notice to all relevant judges whenever it appears that one case may be presumptively related to another pursuant to Section (b)(1)."

This letter constitutes the notice directed by Local Rule 50.3.2(c)(1). This case is presumptively related to Alvarenga because the facts of the case arise out of the same criminal schemes, transactions and/or event(s) as charged in Alvarenga. Specifically, the defendant Sergio Cerna is being charged with conspiracy to murder rival gang members in aid of racketeering and racketeering, in violation of 18 U.S.C. § 1959(a)(5) and 1962(c),

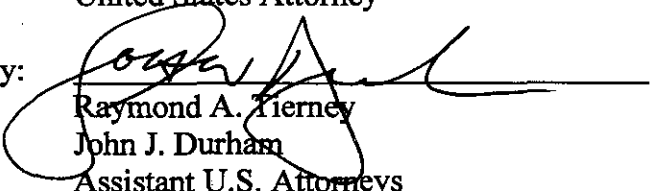
respectively, which offenses arise, in part, out of an October 23, 2011 shooting in Central Islip, New York. See Cerna, Indictment, Count 1, Racketeering Act 3, and Count 10. One of Cerna's co-conspirators in the October 23, 2011 shooting, Edwin Hernandez, was indicted based on his participation in the same criminal event. See United States v. Alvarenga, 12-CR-063 (JFB), Fourth Superseding Indictment, Counts 44-49. Hernandez was recently tried on those charges and convicted of having assaulted one of the victims with a firearm and discharged a firearm, in violation of 18 U.S.C. §§ 1959(a)(3) and 924(c)(1)(a)(iii). See Id. Docket Entry No. 446.

Additionally, all of the defendants in the Alvarenga indictment, as well as the lone defendant in the Cerna indictment, are either members or associates of the MS-13 and are charged with RICO and VICAR offenses relating to their membership or association with the gang. Thus, the enterprise and racketeering evidence pertaining to each indictment will be virtually identical, including the potential testimony of several MS-13 cooperating defendants, who have already pleaded guilty before Judge Bianco. Accordingly, because the Cerna case is presumptively related to Alvarenga, the government respectfully submits that reassignment would be appropriate, as it would likely result in a significant savings of judicial resources and serve the interests of justice.

Respectfully submitted,

LORETTA E. LYNCH  
United States Attorney

By:

  
Raymond A. Tierney  
John J. Durham  
Assistant U.S. Attorneys  
(631) 715-7849/51

cc: William Wexler, Esq. (By email)

*With Judge Wexler's consent, the case  
is re-assigned to the undersigned as  
related.*

**SO ORDERED**

*Stephen Bianco*  
ISD.

Date

March 6 2015  
Central Islip, N.Y.